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VUONG NGUYEN

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION**

VUONG NGUYEN,

Plaintiff,

vs.

EXPERIAN INFORMATION
SERVICES, INC.

Defendants.

Case No.: 8:23-cv-1248

**COMPLAINT AND DEMAND FOR
JURY TRIAL FOR:**

**1. VIOLATIONS OF THE FAIR
CREDIT REPORTING ACT
[15 U.S.C. § 1681, *ET. SEQ.*]**

INTRODUCTION

1. VUONG NGUYEN (Plaintiff) brings this action to secure redress from Defendant EXPERIAN INFORMATION SERVICES, INC. (hereinafter “Experian” or “Defendant”) for violations of the Fair Credit Reporting Act (“FCRA”).

JURISDICTION AND VENUE

2. Jurisdiction in this Court is proper pursuant to 28 U.S.C. § 1331 as

1 Plaintiff's claims arise under the laws of the United States.

2 3. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b)
3 because Defendant resides within this district and Defendant transacts business
4 here.

5 **PARTIES**

6 4. Plaintiff is an individual, residing in Savage, Minnesota. Plaintiff is a
7 natural person from whom a debt collector seeks to collect a consumer debt which
8 is due and owing or alleged to be due and owing.

9 5. Defendant is a California corporation with its principal place of
10 business located in Costa Mesa, CA. At all relevant times herein, Defendant was an
11 entity which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly
12 engaged in whole or in part in the practice of assembling or evaluating consumer
13 credit information or other consumer information for the purpose of furnishing
14 consumer reports to third parties, and used some means or facility of interstate
15 commerce for the purpose of preparing or furnishing consumer reports, and is
16 therefore a "consumer reporting agency" as defined by 15 U.S.C. § 1681a(f).

17 6. Defendant acted through its agents, employees, officers, members,
18 directors, heirs, successors, assigns, principals, trustees, sureties, subrogees,
19 representatives and insurers.

20 7. Plaintiff is informed and believes and on that basis alleges that
21 Defendant is responsible for the acts, occurrences and transactions as officers,
22 directors or managing agents of Defendant, or as its agents, servants, employees,
23 and that each of them are legally liable to Plaintiff, as set forth below.

24 **FACTUAL ALLEGATIONS**

25 8. Within two years prior to the filing of this action, Defendant has
26 reported derogatory and inaccurate statements and information on Plaintiff's credit
27 file (hereinafter "inaccurate information").
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1 9. The inaccurate information reported by Defendant includes a trade-line
2 from Citibank/DSNB which falsely and illegally reports a fraudulently opened
3 Macys account, and allegedly missed payments. However, Plaintiff never opened
4 the account in question and the account was procured by an unknown person by
5 way of Identity Theft.

6 10. In March of 2023, Plaintiff sent dispute correspondence to Defendant
7 regarding the false and inaccurate credit information listed *supra*.

8 11. As of the date of the filing of this complaint, Defendant continues to
9 report the inaccurate information on Plaintiff's credit files.

10 12. Despite Plaintiff's exhaustive efforts to date to remove this erroneous
11 information, Defendant has nonetheless repeatedly, deliberately, willfully,
12 intentionally, recklessly, and negligently failed to perform reasonable investigations
13 of the above disputes as required by the FCRA, has failed to remove the inaccurate
14 information, has failed to include accurate information, and has continued to report
15 the inaccurate information about Plaintiff.

16 13. As a direct and proximate result of Defendant's conduct, Plaintiff has
17 suffered great physical, emotional and mental pain and anguish, and Plaintiff will
18 continue to suffer the same for an indefinite time in the future, all to Plaintiff's great
19 detriment and loss.

20 14. As a direct and proximate result of Defendant's conduct, Plaintiff has
21 suffered actual damages in the form of financial and dignitary harm arising from the
22 injury to credit rating and reputation, and Plaintiff will continue to suffer the same
23 for an indefinite time in the future, all to Plaintiff's great detriment and loss.

24 15. As a direct and proximate result of Defendant's conduct, Plaintiff has
25 suffered a decreased credit score as a result of the negative entry appearing on
26 Plaintiff's credit file, which has hindered and harmed his ability to obtain credit,
27 and diminished his existing and future creditworthiness.

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1 16. As a direct and proximate result of Defendant's above-referenced
2 willful and/or negligent violations of the law, Plaintiff has suffered actual damages
3 including, but not limited to, reviewing credit reports, attorney's fees, and such
4 further expenses in an amount to be determined at trial.

5 **FIRST CAUSE OF ACTION**

6 **Violations of the Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.***

7 17. Plaintiff realleges and incorporates herein by reference each and every
8 paragraph set forth above

9 18. The Fair Credit Reporting Act provides that if the completeness or
10 accuracy of any item of information contained in a consumer's file at a consumer
11 reporting agency is disputed by the consumer and the consumer notifies the agency
12 directly of such dispute, the agency shall conduct a reasonable reinvestigation to
13 determine whether the disputed information is inaccurate, or delete the item from
14 the file within 30 days of receiving the consumer's dispute notice. 15 USC §
15 1681i(a)(1)(A).

16 19. The Act further requires the credit reporting agency, within 5 business
17 days of receiving notice of the consumer's dispute, to provide notification of the
18 dispute to the person who furnished the information in dispute and requires the
19 credit reporting agency to "include all relevant information regarding the dispute
20 that the agency received from the consumer." 15 USC § 1681i(a)(2) (A). In
21 conducting its reinvestigation of disputed information in a consumer report, the
22 credit reporting agency is required to "review and consider all relevant information
23 submitted by the consumer."

24 20. Within the two years preceding the filing of this complaint, Plaintiff
25 notified Defendant of an inaccuracy contained in its report and asked Defendant to
26 correct the inaccuracy.

27 21. Defendant failed to conduct a reasonable reinvestigation of the
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1 inaccuracies that Plaintiff disputed, in violation of 15 U.S.C. § 1681s-2(a) and 2(b).

2 22. Defendant failed to review and consider all relevant information
3 submitted by Plaintiff.

4 23. As a result of Defendant's failure to conduct a reasonable
5 reinvestigation in accordance with the requirements of 15 U.S.C. § 1681i(a)(I),
6 Defendant has failed to remove erroneous information in its credit reporting relating
7 to Plaintiff, after having been notified that Plaintiff disputes that information.

8 24. Defendant's's failure to comply with the requirements of 15 U.S.C.
9 §1681i(a)(I) was willful within the meaning of 15 U.S.C. § 1681n(a) and negligent
10 within the meaning of 15 U.S.C. § 1681o(a).

11 25. As a result of Defendant's willful and negligent noncompliance with
12 the requirements of 15 U.S.C. §§ 1681e(b) and 1681i(a)(1), Plaintiff has suffered
13 damage to his credit ratings and other actual damages and is entitled to actual,
14 statutory and punitive damages under 15 U.S.C. §§ 1681n(a) and o(a).

15 **SECOND CAUSE OF ACTION**

16 **Willful Failure to Employ Reasonable Procedures To Ensure Maximum**
17 **Accuracy of Credit Reports in Violation of 15 U.S.C. § 1681e(b)**

18 26. Plaintiff incorporates the foregoing paragraphs as though the same
19 were set forth at length herein.

20 27. Defendant is regularly engaged in the practice of assembling and
21 evaluating consumer credit information for the purpose of preparing consumer
22 reports, as that term is defined in 15 U.S.C. § 1681a(d), commonly referred to as
23 Credit Reports, and furnishing these Credit Reports to third parties.

24 28. Defendant uses means and facilities of interstate commerce for the
25 purpose of preparing and furnishing Credit Reports and, hence, is a "consumer
26 reporting agency" within the meaning of 15 U.S.C. § 1681a(t).

27 29. In preparing Credit Reports, Defendant has failed to use reasonable
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1 procedures to, as required by law, "assure maximum possible accuracy" of
2 information relating to inaccurately reported information, in violation of 15 U.S.C.
3 § 1681e(b).

4 30. As a result of Defendant's failure to use reasonable procedures in
5 accordance with the requirements of 15 U.S.C. § 1681e(b) and Cal. Civ. Code §
6 1785.14(b), Defendant is reporting inaccurate and materially misleading information
7 about Plaintiff.

8 31. Defendant's failure to comply with the requirements of 15 U.S.C. §
9 1681e(b) is willful within the meaning of 15 U.S.C. § 1681n(a).

10 32. As a result of Defendant's willful noncompliance with the
11 requirements of 15 U.S.C. § 1681e(b), Plaintiff is entitled to statutory and punitive
12 damages under 15 U.S.C. § 1681n(a)(1) and (a)(2).

13 33. As a further result of Defendant's willful noncompliance with the
14 requirements of 15 U.S.C. § 1681e(b), Plaintiff has suffered damage to his credit
15 rating and other actual damages.

16 **THIRD CAUSE OF ACTION**

17 **Negligent Failure to Employ Reasonable Procedures To Ensure Maximum** 18 **Accuracy of Credit Reports in Violation of 15 U.S.C. § 1681e(b)**

19 34. Plaintiff incorporates the foregoing paragraphs as though the same
20 were set forth at length herein.

21 35. In preparing credit reports relating to Plaintiff, Defendant has failed to
22 follow reasonable procedures to assure maximum accuracy of information it puts in
23 Credit Reports in violation of 15 U.S.C. § 1681e(b).

24 36. As a result of Defendant's failure to follow reasonable procedures in
25 accordance with the requirements of 15 U.S.C. § 1681e(b), Defendant is falsely
26 reporting an account that Plaintiff never opened, reporting a balance that Plaintiff
27 does not owe, and that Plaintiff allegedly made late payments.

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1 37. Defendants's failure to comply with the requirements of 15 U.S.C. §
2 1681 e(b) is negligent within the meaning of 15 U.S.C. § 1681o(a).

3 38. As a result of Defendant's negligent violations of the requirements of
4 15 U.S.C. § 1681e(b), Plaintiff has suffered damage to his credit rating and other
5 actual damages.

6 **PRAYER FOR RELIEF**

7 WHEREFORE, Plaintiff prays for judgment as follows:

8 39. an award of actual damages, in an amount to be determined at trial,
9 pursuant to 15 U.S.C § 1681(n);

10 40. an award of statutory damages of \$ 1,000.00 per willful violation of
11 the FCRA, pursuant to 15 U.S.C § 1681(n) and 15 U.S.C. § 1681(o);

12 41. an award of punitive damages under 15 U.S.C § 1681(n) and
13 1681(o);

14 42. an award of attorneys' fees and costs pursuant to 15 U.S.C §
15 1681(o).

16 43. Providing such further relief as may be just and proper.

17
18 **DEMAND FOR JURY TRIAL**

19 Please take notice that Plaintiff demands a trial by jury in this action.
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21 RESPECTFULLY SUBMITTED,

22 Dated: July 12, 2023

MARTIN & BONTRAGER, APC

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24 By: /s/ G. Thomas Martin, III

25 G. Thomas Martin, III

26 Attorneys for Plaintiff
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